

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ANGELO COREY STACKHOUSE,

Plaintiff,

v.

DR. FAIRCHILD; *et al.*,

Defendants.

3:11-cv-00495-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate William G. Cobb (#37<sup>1</sup>) entered on May 31, 2012, recommending denying Defendants' Motion for Summary Judgment (#17) filed on November 14, 2011, on exhaustion grounds, except as to the claim related to Plaintiff chipping his tooth, and that summary judgment be granted in Defendants' favor as to the remaining Eighth Amendment claim. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation

<sup>1</sup>Refers to court's docket number.

1 (#37) entered on May 31, 2012, should be adopted and accepted.

2 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#37)  
3 entered on May 31, 2012, is adopted and accepted, and Defendants' Motion for Summary Judgment  
4 (#17) is DENIED on the ground that Plaintiff's action is dismissed for failure to exhaust available  
5 administrative remedies, **EXCEPT** that Plaintiff's Eighth Amendment claim related to his chipped  
6 tooth is DISMISSED WITHOUT PREJUDICE; and

7 IT IS FURTHER ORDERED that summary judgment is GRANTED in favor of Defendants  
8 as to the remaining Eighth Amendment claim.

9 IT IS SO ORDERED.

10 DATED this 28th day of September, 2012.



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14 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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